

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EL PAPEL LLC, *et al.*,

Plaintiffs,

v.

JENNY DURKIN, *et al.*,

Defendants.

Case No. 20-cv-01323-RAJ

**ORDER ADOPTING IN PART
REPORT AND
RECOMMENDATION AND
GRANTING DEFENDANT'S
SUPPLEMENTAL MOTION FOR
SUMMARY JUDGMENT**

The Court, having reviewed Plaintiffs' complaint, the Report and Recommendation of the Honorable J. Richard Creatura, United States Magistrate Judge, and the objections of the parties and the remaining record, finds and **ORDERS**:

(1) The Report and Recommendation (Dkt. # 141) is approved and adopted in part and modified as per this order.

(2) Defendants' cross motions for summary judgment (Dkt. ## 103, 104; *see also* 110) are granted.

(3) Defendant City of Seattle's supplemental motion for summary judgment (Dkt. # 162) is granted. Based on changed circumstances since the report and recommendation was issued, the Court modifies the report and recommendation to provide that Plaintiffs' requests for injunctive and declaratory relief as to the eviction moratorium is moot.

Courts presume that the repeal, amendment, or expiration of legislation or ordinance will render an action challenging it moot, unless there is a reasonable expectation that the

1 government actor will reenact the challenged provision or one similar to it. *Bd. of*
2 *Trustees of Glazing Health & Welfare Tr. v. Chambers*, 941 F.3d 1195, 1199 (9th Cir.
3 2019); *Cummings v. DeSantis*, 2020 WL 4815816 (M.D. Fla. Aug. 19, 2020). The
4 challenged eviction moratorium expired on February 28, 2022. There is no evidence in
5 the record indicating a reasonable expectation that the City of Seattle is likely to enact the
6 same or substantially similar moratorium in the future. Given the rebuttable presumption
7 that the alleged wrongful conduct will not occur, and no evidence sufficiently rebutting
8 that presumption, no live controversy remains regarding the City's eviction moratorium.

9 (4) Plaintiffs' motion for summary judgment (Dkt. # 93) is denied, and this matter
10 is dismissed with prejudice.

11 (3) The Clerk is directed to send a copy of this Order to the Hon. J. Richard
12 Creatura.

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14 DATED this 20th day of July, 2022.

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17 The Honorable Richard A. Jones
18 United States District Judge
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